

REMARKS

Reconsideration of this Application is respectfully requested. In response to the Office Action mailed August 7, 2006, Applicants seek to cancel claims 1-5 and 14 without prejudice or disclaimer, amend claims 6-13, 15-31, and 33-36, and add new claims 37-42, roughly similar to canceled claims 1-5. No new matter is added and the amendments are made to now even more clearly set forth the claimed invention, to advance prosecution and to place the claims in better condition for allowance. Claims 6-13, 15-31, and 33-42 are pending.

Based on the above Amendment and the following Remarks, Applicants respectfully request that the Examiner reconsider and withdraw all outstanding objections and rejections.

Examiner Interview

Applicants and Applicants' representative thank the Examiner for affording the interview of November 29, 2006. Claims 1, 6, 9, 10 and 20 and the references were discussed, and a prototype of an improved MIP was demonstrated. Agreement was reached that a combination of elements from claims 6, 9 and 10, as amended herein, is not taught by the applied references.

Objection to the Specification

In the Action on page 2, section 1, the specification is objected to as allegedly failing to provide proper antecedent basis for the claimed element "removable waterproof electrical coupling" and "removable O-ring mechanical coupling." Claims 6 and 9 are amended to remove the word "removable," rendering the rejection moot. Applicants request that the rejection be withdrawn.

Claim Rejections Under 35 U.S.C. §112, 1st paragraph

In the Action on page 2, section 3, claim 9 is rejected under 35 U.S.C. §112, 1st paragraph as failing to comply with the written description requirement. Claim 6 (which now includes elements from claim 9), and claim 9 are amended to remove the word "removable." Applicants request that the rejection be withdrawn.

Rejections under 35 U.S.C. § 103

On page 3, section 5, claims 1-5 and 36 are rejected as being unpatentable over “A Permeable Membrane Sensor For The Detection of Volatile Compounds in Soil” by Christy (hereinafter Christy).

In the Action on pages 4-6, claims 6-16, 18-31 and 35 are rejected as being unpatentable over U.S. Patent No. 6,405,135 to Adrianly (hereinafter Adrianly).

Claim 6 is amended to include “a waterproof electrical coupling operative to couple and decouple one or more electrical wires, and/or cables from said MIP housing” (from claim 9), and “a plurality of modular components allowing field serviceable replacement of any malfunctioning components, other than the membrane, of said plurality of modular components” (from claim 10), as was discussed in the Examiner Interview.

As discussed in the Interview, Christy and Adrianly, alone or in combination, fail to teach or suggest a continuously driveable membrane interface probe (MIP) apparatus comprising at least one of: a continuously driveable modular membrane interface probe (MIP) housing comprising two or more permeable membranes on a periphery of said driveable MIP housing; and/or a continuously driveable modular membrane interface probe (MIP) housing comprising a cylindrical portion comprising two or more permeable membranes coupled about a periphery of said cylindrical portion, wherein said two or more permeable membranes are operative to provide circumferential sensing; wherein said continuously driveable modular MIP housings further comprise: a waterproof electrical coupling operative to couple and decouple one or more electrical wires, and/or cables from said continuously driveable modular MIP housing; and a plurality of modular components allowing field serviceable replacement of any malfunctioning components, other than said two or more permeable membranes, of said plurality of modular components.

Claims 6-13, 15-16, 18-31, 35 and 36, as amended, and new claims 37-42, depend from claim 6, and are allowable at least for being dependent from an allowable claim.

Rejections under 35 U.S.C. § 102

In the Action on pages 7-8, section 8, claims 20 and 25-35 are rejected as being anticipated by U.S. Patent No. 5,970,804 to Robbat.

Claims 20 and 25-35 are amended to depend from claim 6, which is allowable as discussed above, rendering the rejection moot.

Accordingly, claims 6-13, 15-31, 33-42 are in condition for allowance and allowance thereof is respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment is respectfully requested.

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Respectfully submitted,

By


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